

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

The Office Action of August 24, 2004 rejected claims 23-25 and 27 as anticipated by Tumey et al., U.S. Patent Application Publ. No. 2002/0097145. Claims 26 and 28-34 were rejected as being obvious over Tumey et al. in view of one or more of Lemelson et al., U.S. Patent No. 6,400,835, Lu, U.S. Patent No. 5,331,544, Numazaki et al., U.S. Patent No. 6,144,366, and Heslin, U.S. Patent No. 6,326,613. Claims 35-37 were rejected as being obvious over Lemelson et al. in view of Turner, U.S. Patent No. 6,002,326. Claim 38 was rejected as being obvious over Lemelson et al. in view of Turner and further in view of Lu. Claim 39 was rejected as being obvious over Lemelson et al. in view of Turner and further in view of Numazaki et al.

This amendment cancels claim 23 and amends claims 24 and 27-29. The amendment to claim 29 rewrites claim 29 in independent form. It is respectfully suggested that claim 29 patentably defines over a combination of Tumey et al. and Lemelson et al. and that the rejection of claim 29 is improper.

The M.P.E.P. sets forth the criteria for a rejection for obviousness as follows:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and

the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, MPEP § 706.02(j) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 29 recites an illuminator for illuminating a predefined field located outside of the vehicle and adjacent an entryway to an interior of the vehicle. Claim 29 also recites that the illuminator is also adapted to illuminate a predefined interior vehicle field. Neither Tumey et al. nor Lemelson et al teaches or suggests an illuminator that illuminates both a predefined field located outside of the vehicle and a predefined interior vehicle field.

Tumey et al. teaches a source 113, such as an IR LED, for illuminating a user with a desired wavelength light. (Tumey et al. Paragraph 0031). In the embodiment of Fig. 2, as recognized by the Office Action, the field that is illuminated is located outside of the vehicle and adjacent to an entryway to the interior of the vehicle. In the embodiment of Fig. 1 of Tumey et al., the source 113 illuminates the driver of the vehicle. (Tumey et al. Paragraph 0024). Tumey et al., however, fails to teach or suggest an embodiment having a source for illuminating both a predefined field located outside of the vehicle and a predefined interior vehicle field, as is recited in claim 29. Lemelson et al. also fails to teach or suggest the illuminator of claim 29. Therefore, it is respectfully suggested that the rejection of claim 29 is improper and allowance of claim 29 is respectfully requested.

Moreover, claim 29 recites a detector for detecting radiation reflected from a person located in the predefined field outside of the vehicle and that is adapted to detect radiation reflected from an occupant of the vehicle that is located in the

predefined vehicle interior field. Neither Tumey et al. nor Lemelson et al. teaches or suggests the detector of claim 29.

Tumey et al. teaches a video camera 103. In the embodiment of Fig. 1, Tumey et al. teaches that the video camera 103 is mounted in the vehicle's dashboard facing the driver. (Tumey et al. Paragraph 0024). In the embodiment of Fig. 2, Tumey et al. teaches that the video camera 103 is mounted, facing the driver's side exterior of the vehicle, in the vehicle's roof panel, exterior door panel, or driver's side door frame. (Tumey et al. Paragraph 0031). Tumey et al., however, fails to teach or suggest an embodiment having a detector for detecting radiation reflected from both a person located in the predefined field outside of the vehicle and from an occupant of the vehicle that is located in the predefined vehicle interior field, as is recited in claim 29. Lemelson et al. also fails to teach or suggest the detector of claim 29. Therefore, for this further reason, it is respectfully suggested that the rejection of claim 29 is improper and allowance of claim 29 is respectfully requested.

Claims 24-28 and 30-34 depend from claim 29 and are allowable for at least the same reasons as claim 29. Additionally, claims 24-28 and 30-34 are allowable for the specific limitations of each claim.

Specifically, claim 30 recites that the system monitors gestures of the occupant and performs vehicle functions in response to detected gestures. Neither Tumey et al. nor Lemelson et al. teaches or suggest monitoring gestures of the occupant. The portion of Lemelson et al. cited in rejecting claim 30 merely states that operation of a start switch is enabled when the authorized person is recognized at least once every three hundred tries. (Lemelson et al., Col. 15, lines 50-53).

Recognizing an authorized person is not the same as monitoring gestures.

Lemelson et al. fails to monitor gestures and to perform vehicle functions in response to detected gestures. Therefore, allowance of claim 30 is respectfully requested.

Claim 35 stands rejected as being obvious over Lemelson et al. in view of Turner. It is respectfully suggested that claim 35 patentably defines over a combination of Lemelson et al. and Turner and that the rejection of claim 35 is improper.

Claim 35 recites a processor that sounds an alarm and records the image of the person in a memory when the processor determines that the person is not an authorized vehicle occupant. It is respectfully suggested that neither Lemelson et al. nor Turner teaches or suggests a processor that sounds an alarm and records an image of the person in a memory when the processor determines that the person is not an authorized user.

Lemelson et al. teaches that the system, upon failure to recognize a person within a pre-specified time, can include a standard car alarm system for providing an audible alarm. (Lemelson et al., Col. 12, lines 34-37). Lemelson et al. also teaches that the system may be programmed with new faces to recognize. (Col. 12, lines 43-63). Lemelson et al., however, fails to teach or suggest taking an image of the unauthorized person and sounding the alarm. Moreover, one of skill in the art will recognize that it is not desirable to sound an intruder alarm during the process of programming the system with new authorized faces. Thus, Lemelson et al. fails to disclose the processor of claim 35.

Turner also fails to teach or suggest a processor that sounds an alarm and records an image of the person in a memory when the processor determines that the person is not an authorized user. The system of Turner includes a pair of video cameras 10 and a conventional alarm device 18. (Turner, Col. 6, lines 5-17). Turner teaches that the cameras 10 will not generate an alarm; instead, a control circuit 24 generates an alarm when one or more sensors 26 are tripped. (Turner, Col. 6, lines 46-51). The sensors 26 are one or more vibration sensors 24. (Turner, Col. 6, lines 58-64). Thus, Turner fails to teach or suggest a processor that sounds an alarm in response to determining that a person is not an authorized user. Instead, the system of Turner sounds an alarm 18 when a vibration sensor is tripped, regardless of whether an authorized person or an unauthorized person trips the vibration sensor. Thus, Turner also fails to teach or suggest the processor of claim 35.

Since neither Lemelson et al. nor Turner teaches or suggests the processor of claim 35, a combination of the two references also fails to teach or suggest the processor of claim 35. Therefore, it is respectfully suggested that the rejection of claim 35 is improper and should be withdrawn. Thus, allowance of claim 35 is respectfully requested.

Claims 36-39 depend from claim 35 and are allowable for at least the same reasons as claim 35.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Whitman', is written over a horizontal line.

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